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Schwab Investment Management, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NORTHSTAR FINANCIAL ADVISORS INC.
on behalf of itself and all others similarly situated,

Plaintiff,

v.

SCHWAB INVESTMENTS and CHARLES
SCHWAB INVESTMENT MANAGEMENT,
INC.,

Defendants.

Case No. CV-08-4119 SI

CLASS ACTION

STIPULATION AND [PROPOSED]
ORDER CONTINUING HEARING
DATE ON DEFENDANTS' MOTION
TO CERTIFY FOR
INTERLOCUTORY APPEAL AND
FOR STAY

Court: 10
Judge: Hon. Susan Illston

Date Action Filed: Aug. 23, 2008

1 WHEREAS, plaintiff commenced this Action by filing a complaint on August 23, 2008
2 (the "Complaint");

3 WHEREAS, on February 19, 2009 the Court issued an order granting in part and denying
4 in part defendants' motion to dismiss plaintiff's complaint;

5 WHEREAS, on March 2, 2009, plaintiff filed an amended complaint;

6 WHEREAS, on March 5, 2009, defendants filed a motion to certify for interlocutory
7 appeal and for stay to be heard on April 10, 2009;

8 WHEREAS, on March 6, 2009, the court notified the parties that defendants' motion to
9 certify for interlocutory appeal and for stay has been continued until April 24, 2009;

10 WHEREAS, defendants have agreed to notice their motion to dismiss in this case to be
11 heard on May 1, 2009, the same day that the initial case management conference is set in this
12 case;

13 WHEREAS, granting a continuance of the hearing date on defendants' motion to certify
14 for interlocutory appeal and stay will have no effect on other proceedings in the case and will not
15 change any other Court-ordered deadlines

16 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties that
17 plaintiff shall file an opposition to defendants' motion to certify for interlocutory appeal and for
18 stay on April 10, 2009; defendants shall file a reply on April 17, 2009; and, subject to the Court's
19 availability, the Court shall hear defendants' motion to certify for interlocutory appeal and for
20 stay on May 1, 2009.

21 IT IS SO STIPULATED.

22 Dated: March 9, 2009

Darryl P. Rains
Dorothy L. Fernandez
K.C. Allan Waldron
MORRISON & FOERSTER LLP

25 By: /s/ Dorothy L. Fernandez
26 Dorothy L. Fernandez

27 Attorneys for defendants
28 Schwab Investments and Charles Schwab
Investment Management, Inc.

1 Dated: March 9, 2009

WOLF POPPER LLP

2 By: /s/ Robert C. Finkel
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Local Counsel

23 IT IS SO ORDERED.

24 Dated: March __, 2009



25 HONORABLE SUSAN ILLSTON
26 UNITED STATES DISTRICT JUDGE
27
28

ATTESTATION OF E-FILED SIGNATURES

I, Dorothy L. Fernandez, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Continuing Hearing Date on Defendants' Motion To Certify For Interlocutory Appeal and For Stay. In compliance with General Order 45, X.B., I hereby attest that Robert C. Finkel has concurred in this filing.

Dated: March 9, 2009

MORRISON & FOERSTER LLP

By: /s/ Dorothy L. Fernandez
Dorothy L. Fernandez

Attorneys for defendants
Schwab Investments and Charles Schwab
Investment Management, Inc.